



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 27, 2016

BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: *United States v. Nico Burrell et al.*,
S2 15 Cr. 95 (AJN)**

Dear Judge Nathan:

Pursuant to the Court's Scheduling Order, dated May 2, 2016 (the "Order"), the Government respectfully submits this motion to sever the defendants into two groups: Proposed Group A and Proposed Group B (together, the "Groups"), whose members are each listed at the conclusion of this letter. The Government further requests that the Groups be put on different scheduling tracks, as detailed below.

Proposed Group A consists of 17 defendants involved in the crimes charged in the Indictment, but against whom the Government does not intend to supersede. As to these defendants, as anticipated in the First Scheduling Order, the Government respectfully requests that the Court set a motions schedule and trial date at the pretrial conference on October 20, 2016. The Government is prepared to proceed to trial against these defendants according to any schedule convenient to the Court and defense counsel. However, the Government suggests that no more than five of these defendants be tried at a time on a rolling basis. It should be noted that the Government is already engaged in plea negotiations with most of the defendants in Proposed Group A—and indeed already has agreements in principle with several of these defendants. As we approach the scheduled trial date for Proposed Group A, and as it becomes clear which of these defendants will actually be proceeding to trial, the Government proposes to submit specific groups of five defendants to be tried together, for the Court's and counsel's consideration.

Proposed Group B is comprised of 36 defendants whom the Government presently believes have ordered, committed, or aided and abetted murders, attempted murders, or assaults in aid of racketeering. We expect to file additional charges against the members of Proposed Group B in accordance with the deadline presently set in the Scheduling Order, *i.e.*, by January 6, 2017 (the "Superseder Deadline"). Looking ahead, the Government expects to request that the

Court set a motions schedule and trial date for members of Proposed Group B not charged with capital offenses—which will be the vast majority of Proposed Group B—shortly after the Superseder Deadline. With respect to those members of Proposed Group B who are charged with capital offenses, the Government expects the capital review and mitigation processes to take approximately 90 days from the Superseder Deadline, after which a motions schedule and trial date can be set.

Finally, the Government notes that it is possible that, based upon developments in this ongoing investigation, defendants may move from Proposed Group B into Proposed Group A, or *vice versa*, before the Superseder Deadline. If the Government comes to believe this is reasonably likely as to a particular defendant, the Government will notify the Court and that defendant promptly.

Proposed Group A

1. Mark Williams
2. Abdullah Yoda
3. Kenneth Ruggs
4. Calvin Ruggs
5. Hakeem Campbell
6. Richard Phillips
7. Michael Francis
8. Lamar Francis
9. Dante Plummer
10. Dante Stephens
11. Shaquille John
12. Okeifa John
13. Michael Redley
14. Richard Montague
15. Rai Thomas
16. Shanice John
17. Ricardo Burgess

Proposed Group B

1. Nico Burrell
2. Douglas McLarty
3. Martin Mitchell
4. Donque Tyrell
5. Gerard Bass
6. Dominick Sherland
7. Barffour Abeberse
8. Mashud Yoda
9. Anderson Ross
10. Anthony King
11. Quaysean Cannonier
12. Tayquan Tucker

- cc: All defense counsel